

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 411
(Draft 2)

ORDINANCE NO. 87 117

AN ORDINANCE AMENDING SECTION 25-107 (PAHOA ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-20) AT WAIAKAHIULA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-03:37 (PORTION).

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-107, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Waiakahiula, Puna, Hawaii, shall be Neighborhood Commercial (CN-20):

Beginning at the southwest corner of this parcel of land and on the easterly side of Pahoa-Kalapana Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHOA" being 4,294.38 feet South and 5,360.27 feet East and running by azimuths measured clockwise from True South:

1. 177° 50' 417.01 feet along the easterly side of Pahoa-Kalapana Road;
2. Thence along the southeasterly side of Keaau-Pahoa Road (F.A.S.P. No. RS-0130 (18)), along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being:
232° 10' 81.24 feet;

3. 286° 30' 11.27 feet along the south side of Keaau-Pahoa Road (F.A.S.P. No. RS-0130 (18));
4. Thence along the southwesterly side of Keaau-Pahoa Road (F.A.S.P. No. RS-0130 (18)), along a curve to the right having a radius of 40.00 feet, the chord azimuth and distance being: 328° 00' 53.01 feet;
5. 9° 30' 427.05 feet along the west side of Keaau-Pahoa Road (F.A.S.P. No. RS-0130 (18));
6. 99° 30' 17.04 feet along a jog in Keaau-Pahoa Road (F.A.S.P. No. RS-0130 (18)) to the point of beginning and containing an area of 0.675 Acre.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successor or its assigns shall be responsible for complying with all of the stated conditions of approval; (B) plans for the proposed development shall be submitted to the Planning Department for plan approval review within one year from the effective date of the change of zone; (C) construction of the proposed development shall commence within one year from the date of

receipt of Final Plan Approval and be completed within two years thereafter; (D) access to the proposed development shall be from the existing Kalapana Road meeting with the approval of the Department of Public Works. No access shall be permitted from the proposed by-pass road; (E) a drainage system shall be installed meeting with the requirements of the Department of Public Works; (F) all other applicable rules, regulations and requirements shall be complied with; (G) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and e) if an additional extension of time is required, the Planning Director shall submit the request to the County Council for appropriate action.

SECTION 3. Should the council adopt A Uniform Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may be satisfied by performance in accordance with the requirements of the Uniform Impact Fees Ordinance.

SECTION 4. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

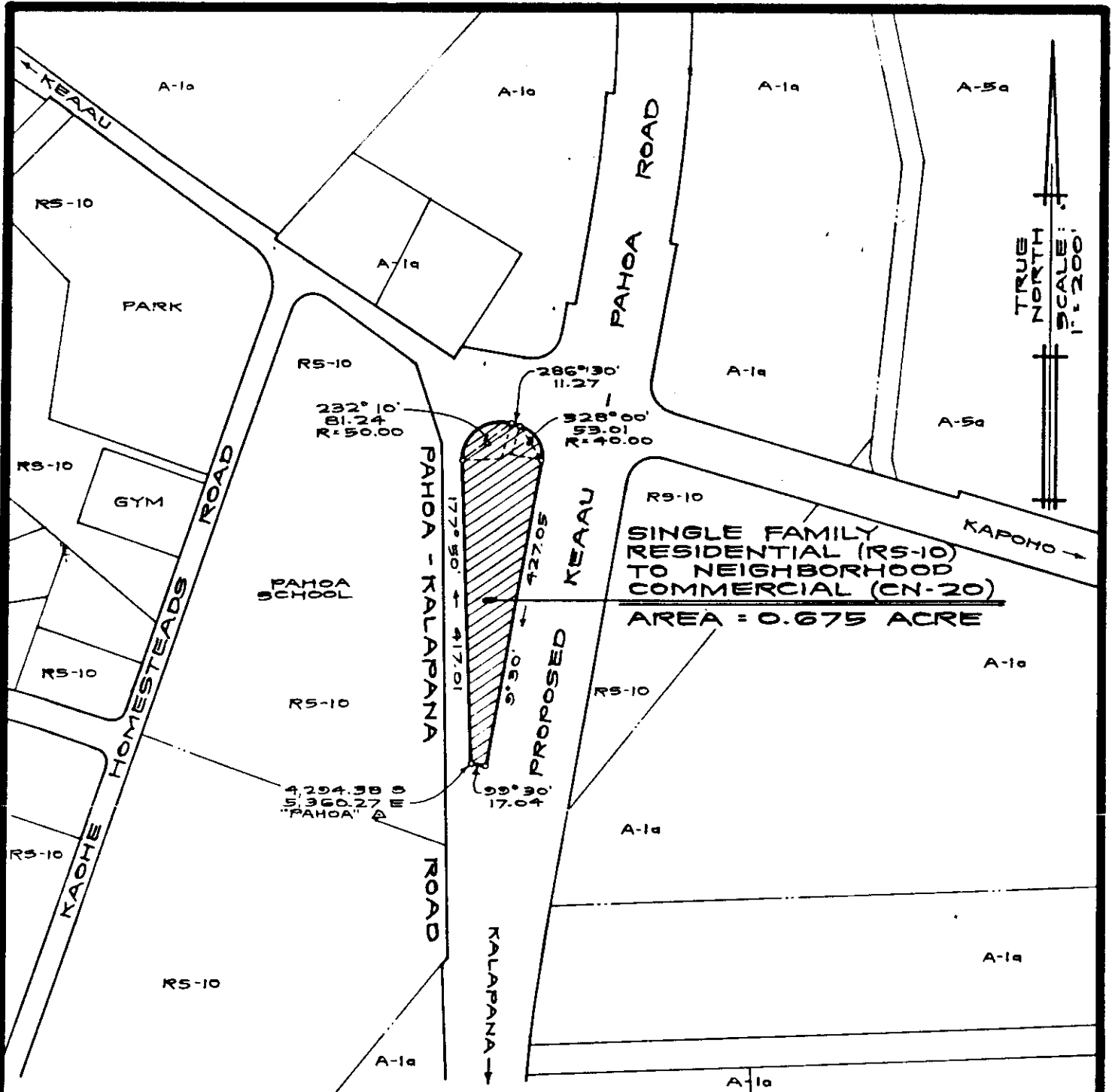
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 21, 1987
Date of 1st Reading: October 21, 1987
Date of 2nd Reading: November 18, 1987
Effective Date: November 30, 1987



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-107 (PAHOA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO NEIGHBORHOOD COMMERCIAL (CN-20) AT WAIAKAHIULA, PUNA HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 1-5-03:37 (PORTION)

AUG. 4, 1987

EXHIBIT "A"